

347—218.315(91D) Special proviso for high-salaried professional employees.

218.315(1) The definition of a “professional” contains a special proviso for employees who are compensated on a salary or fee basis at a rate of at least \$500 per week exclusive of board, lodging, or other facilities. Under this proviso, the requirements for exemption in 218.3(1) to 218.3(5) will be deemed to be met by an employee who receives the higher salary or fees and whose primary duty consists of the performance of work requiring knowledge of an advanced type in a field of science or learning, or work as a teacher in the activity of imparting knowledge, which includes work requiring the consistent exercise of discretion and judgment, or consists of the performance of work requiring invention, imagination, or talent in a recognized field or artistic endeavor. Thus, the exemption will apply to highly paid employees employed either in one of the “learned” professions or in an “artistic” profession and doing primarily professional work. If an employee qualifies for exemption under this proviso, it is not necessary to test that employee’s qualifications in detail under 218.3(1) to 218.3(5).

218.315(2) Reserved.

SOURCE: 29 CFR 541.315.